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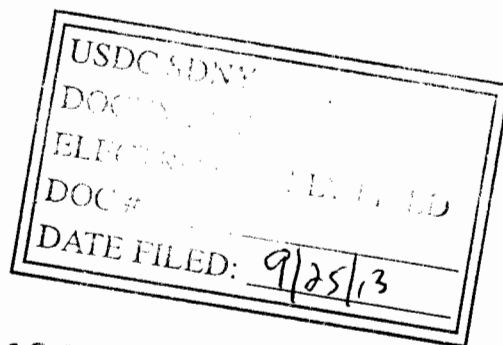
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September 25, 2013

VIA TELECOPIER

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



MEMORANDUM

Re: Romero v. La Revise Associates, et al.
Civil Action No. : 12-CV-8324 (JMF)(GWG)

Dear Judge Gorenstein:

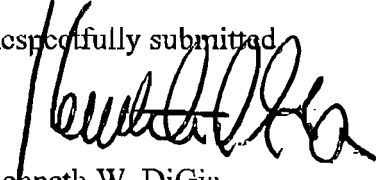
This Firm represents Defendants in the referenced matter. We write on behalf of both parties to jointly inform the Court that they have agreed to engage in private mediation in an attempt to resolve this matter for those tipped employees who did not sign arbitration agreements from November 15, 2006 forward. Plaintiff will bear one-third of the cost of the mediation; Defendants two-thirds. In an effort to facilitate such discussions, and make the process as productive as possible, the parties anticipate exchanging information in advance of the mediation. Given that the group in question encompasses a few hundred individuals, it will take time to both collect the relevant information and for the parties to do their respective analyses of it. Based on this, and the schedules of private mediators, the parties expect mediation will occur in December of this year.

Thus, the parties have agreed, subject to the Court's approval, to hold all further proceedings in this matter in abeyance (e.g., production of contact information for the conditional collective action members, distribution of the opt-in notice and consent forms, depositions and other discovery, etc.), pending resolution of the mediation process. Defendants have agreed to toll the statute of limitations for any individual who ultimately opts in to this case under the federal Fair Labor Standards Act from 12:01 a.m. on September 24, 2013 through midnight on the fifth business day after one side informs the other in writing or by e-mail that the mediation process has not resolved this matter. *Provide a status report by December 31, 2013*

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Thank you for your attention.

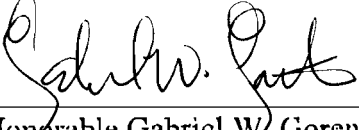
Respectfully submitted


Kenneth W. DiGia

KWD:kpa

cc: C. K. Lee, Esq.
Attorney for Plaintiffs
(Via E-mail)

SO ORDERED


Honorable Gabriel W. Gorenstein
United States Magistrate Judge
September 25, 2013